

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY WRIGHT,	:	Civil Action No. 16-5020
Plaintiff,		
v.	:	
CITY OF PHILADELPHIA, ET AL.,		
Defendants	:	

PLAINTIFF'S LOCAL RULE 26.1(f) CERTIFICATION

Plaintiff, by his counsel, Paul Messing and Kairys, Rudovsky, Messing & Feinberg, submits a Certification under Local Rule 26.1(f) that, despite good faith efforts to resolve outstanding discovery disputes with counsel for the defendants, the parties have been unable to reach an amicable resolution.

With regard to the discovery disputes that form the basis of Plaintiff's Motion to Compel Discovery, counsel for the defendants, Matthew Kevin Hubbard, Esquire, has made clear that the defendants stand by their objections. A copy of an email from Mr. Hubbard is appended to this Certification.

Respectfully submitted,

BY: Paul Messing
Paul Messing
Kairys, Rudovsky, Messing & Feinberg, LLP
718 Arch Street, Suite 501 South
Philadelphia, PA 19106

Attorney for Plaintiff Anthony Wright

Paul Messing

From: Matthew Hubbard
Sent: Tuesday, March 21, 2017 10:07 AM
To: Paul Messing; Peter Neufeld; Anna Benvenuti Hoffmann; Amelia Green; Farhang Heydari; Nick Brustin; Madhu Srikantha; David Rudovsky; Jonathan Feinberg (jfeinberg@krlawphila.com); Susan Lin
Cc: Michael R. Miller
Subject: RE: Anthony Wright v. City of Philadelphia, et al. EDPa. No. 16-5020
Attachments: CitySuppResp1st&2dRFDs.pp12358-12360.pdf

Counsel, please see attached, which I am submitting in response to your various updates and requests for explanations regarding the City's responses to the plaintiff's first and second set of requests for production of documents and things.

As for the time period to which the City has objected, the City stands by its objection and respectfully disagrees with counsel's interpretation of the scope of *Monell* discovery in this matter in light of Fed. R. Civ. P. 26(b)(1) and *Beck v. City of Pittsburgh*. The City also respectfully disagrees with the plaintiff's interpretation of Judge Pratter's opinion denying the motion to dismiss as it may relate to the scope of *Monell* discovery.

The City stands by its objection to Second Request Nos. 9(b) and 9(c) pursuant to Fed. R. Civ. P. 26(b)(1).

I hope this email is delivered this evening, as the City is experiencing network problems as of this writing.

Regards,

Kevin

Matthew Kevin Hubbard
Senior Attorney
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595
(215) 683-5391 (tel)
(215) 683-5397 (fax)
(215) 900-2304 (cell)

THIS MESSAGE FROM MATTHEW KEVIN HUBBARD CONTAINS INFORMATION THAT MAY BE ATTORNEY WORK PRODUCT, PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE, OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. UNLESS YOU ARE THE ADDRESSEE (OR AUTHORIZED TO RECEIVE MESSAGES FOR THE ADDRESSEE), YOU MAY NOT USE, COPY OR DISCLOSE TO ANYONE THE MESSAGE OR ANY INFORMATION CONTAINED IN OR ATTACHED TO THE MESSAGE. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE ADVISE THE SENDER BY REPLY E-MAIL, AND DELETE THE MESSAGE.

From: Paul Messing [mailto:pmessing@krlawphila.com]
Sent: Thursday, March 16, 2017 3:08 PM
To: Matthew Hubbard <Matthew.Hubbard@phila.gov>
Cc: Peter Neufeld <peter@nsbcivilrights.com>; Anna Benvenuti Hoffmann <anna@nsbcivilrights.com>; Amelia Green <amelia@nsbcivilrights.com>; Farhang Heydari <farhang@nsbcivilrights.com>; Nick Brustin <nick@nsbcivilrights.com>; Madhu Srikantha <madhu@nsbcivilrights.com>; David Rudovsky <drudovsky@krlawphila.com>; Jon Feinberg

<jfeinberg@krlawphila.com>; Susan Lin <slin@krlawphila.com>

Subject: Anthony Wright v. City of Philadelphia, et al. EDPa. No. 16-5020

Dear Kevin:

We've reviewed the City's Response to Plaintiff's Second Requests for Production. I write to seek clarification and to address the City's objections.

As to Document Requests 1-7, the City reports that no documents or records of any kind "exists for the period 1985-1995" (with the exception of Requests 2 and 8 in which the City agrees to produce any directives or memoranda that were in effect from 1985-1995). Do you mean that no such documents or records ever existed, or that they did exist and have since been destroyed? If the records have been destroyed, please state (as to each Document Request) when the records were destroyed, who ordered the destruction, and under what authority the records were destroyed. And, as to Document Requests 2 and 8, when can we expect to receive the responsive materials?

Separately, as to Document Requests 1-8, the City objects to production of all requested materials from the period 1995-2016. However, the prosecutions of Mr. Wright in 1991 and 2016 consisted of evidence developed by defendant officers and the Homicide Unit. The operation of that unit for the period up to 2016, and the records of all relevant IAD and PBI investigations for the same period, are clearly relevant to the claims raised in the Complaint. As Judge Pratter made clear in the Opinion denying Defendants' Motion to Dismiss, evidence related to policies and practices before *and* after the investigation that led to the arrest and prosecution of the plaintiff is relevant when considering "whether the City and policymakers had a pattern of tacitly approving" unconstitutional practices. *See Beck v. City of Pittsburgh*, 89 F.3d 966, 971 (3d Cir. 1996).

Finally, the City complied with Document Request 9(a), but objected to Requests 9(b) and (c). As documents related to the arrest, detention and prosecution of these four individuals is relevant to the allegations of the Complaint, the requested discovery should be provided.

In light of the Court's Scheduling Order, it is critical that we promptly resolve these discovery disputes. Please let me know your position by Monday, March 20.

Best, Paul

Paul Messing
Kairys, Rudovsky, Messing & Feinberg
718 Arch Street, Suite 501S
Philadelphia, PA 19106
(215) 925-4400
www.krlawphila.com